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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,290	03/21/2001	Michael F. Culbert	APL1P211/P2656	6108

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EXAMINER	
CZEKAJ, DAVID J	
ART UNIT	PAPER NUMBER
2483	

NOTIFICATION DATE	DELIVERY MODE
10/08/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOmail@beyerlaw.com

Office Action Summary	Application No.	Applicant(s)	
	09/816,290	CULBERT, MICHAEL F.	
	Examiner	Art Unit	
	DAVID CZEKAJ	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/21/10 has been entered.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 11, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-253351, (hereinafter referred to as “253”) in view of JP 2000-13737, (hereinafter referred to as “137") in further view of JP 9-168148, (hereinafter referred to as "168).

Regarding claims 1, 11, and 19, 253 teaches in paragraph 0003, editing steps made by a user using video editing software. However, 253 fails to disclose recording the editing steps and the steps being used for compression as claimed. 137 teaches in paragraphs 0004-0006, recording the editing steps made by a editing program. 168 teaches in paragraph 0036, the editing point information turns into encoding control information, and is thus used for compressing the video data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the 253 apparatus, and add the recording and compression information taught by 137 and 168 in order to obtain an apparatus that can correctly edit video data.

2. Claims 2-4, 12-14, and 17-18, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-253351, (hereinafter referred to as “253”) in view of JP 2000-13737, (hereinafter referred to as “137") in further view of JP 9-168148, (hereinafter referred to as "168) in further view of Tahara et al. (6671323).

Regarding claims 2 and 12, , note the examiners rejection for claim 1, and in addition, claims 2 and 12 differ from claim 1 in that claims 2 and 12 further require determining the bit resolution. Tahara discloses “using information in the edit track to determine the bit resolution for a region defined in the track” (Tahara: column 13, lines 52-67, wherein the horizontal_size_value, vertical_size_value, aspect_ratio_information, and bit_rate_value are used to determine the bit resolution for a region). Therefore, it would have been obvious to one having

ordinary skill in the art at the time the invention was made to implement the determination taught by Tahara in order to better help compress the video data.

Regarding claims 3 and 13, Tahara discloses "using motion information in the edit track to create a motion vector" (Tahara: column 19, lines 4-26, wherein the motion information is the f_code[0][1], f_code[1][0], f_code[1][1], and concealment_motion_vectors).

Regarding claims 4 and 14, Tahara discloses "using information in the edit track to create a difference vector" (Tahara: column 19, lines 4-26, wherein the motion vector is a difference vector between two frames).

Regarding claim 17, Tahara discloses "an edit track reader for accessing data within the edit track and generating instructions based on the data within the track" (Tahara: column 22, lines 19-34, column 23, lines 31-34, wherein the controller, variable length decoder, and variable length encoder access the data and the instructions are used to control the various circuits).

Regarding claims 18 and 20, Tahara discloses "the video compressor is an MPEG video compressor that provides compression with a single encoding" (Tahara: figure 1).

3. Claims 5-10 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2000-253351, (hereinafter referred to as "253") in view of JP 2000-13737, (hereinafter referred to as "137") in further view of JP 9-168148, (hereinafter referred to as "168) in further view of Tahara et al. (6671323) in further view of Wang et al. (5802361), (hereinafter referred to as "Wang").

Regarding claims 5 and 15, note the examiners rejection for claim 1, and in addition, claims 5 and 15 differ from claim 1 in that claims 5 and 15 further require using information in the edit track to determine a number of I-frames used for compression. Wang teaches that searching video has proven to be difficult and time consuming (Wang: column 3, lines 29-30). To help alleviate this problem, Wang discloses "using information in the edit track to determine a number of I-frames used for compression" (Wang: figure 3, column 11, lines 19-29, wherein the number of I-frames is located in the scene change detection file. Scene change sequences typically begin with an I frame. Therefore having an information file that contains scene changes would also contain the number of I-frames used). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Tahara and add the I-frame determination taught by Wang in order to obtain an apparatus that can easily search different video segments.

Regarding claims 6, 7, and 16, Wang discloses "creating a track of edited video data" (Wang: figure 5h, wherein it is shown that a user can change or edit the video data by adding a bookmark) and "creating at least one object in the edit track, wherein the edit object defines a region that has been edited and a type of edit" (Wang: column 16, lines 53-65, wherein the object is the rectangle, which defines the region within in the image, the type of edit is represented by the changing icon).

Regarding claim 8, Tahara discloses "using text information in the edit track to increase bit resolution of quantization of a pixel block to improve resolution of text provided by the text information" (Tahara: column 14, lines 8-19, wherein the text information are the quantization matrices which increase/decrease bit resolution. The examiner notes that the increase/decrease in the bit resolution will cause any subsequent video, text, or image data to increase/decrease in quality).

Regarding claim 9, Wang discloses "using blend information in the edit track to decrease the bit resolution of a pixel block" (Wang: figures 3 and 5d, column 15, lines 53-65, wherein the user can change the red, green and blue color values yielding a blending technique to obtain the desired color. Decreasing the color attributes would decrease the resolution of a pixel block).

Regarding claim 10, Wang discloses "the edit track defines a region within which a video edit has occurred and the type of edit that occurred within the region" (Wang: figures 3 and 9, wherein the frame difference, scene change, and segment determine the region and the color histogram and texture determine the type of edit).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CZEKAJ whose telephone number is (571)272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Czekaj/
Primary Examiner, Art Unit 2621